



Attorney Ref: 25896-247
former ref: 3382-P0043A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kolessar
Serial No.: 09/896,246
Filed: June 29, 2001

Group Art Unit: 2617
Examiner: Srivastava, Vivek

For: **MEDIA DATA USE MEASUREMENT WITH REMOTE
DECODING/PATTERN MATCHING**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 2233-1450

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 5, 2005, the time for responding thereto having been requested to be extended.

In the Office Action, a requirement was made under 35 U.S.C. §121 to elect a single species for prosecution on the merits. Applicant respectfully traverses this rejection.

The Examiner asserts that the application contains claims directed to the following patentably distinct species of the claimed invention: Figure 2, Figure 3, and Figure 4. Contrary to the Examiner's assertion, it is submitted that Figures 2, 3 and 4 do not represent distinct species. Rather, Figure 2 is a high-level flow diagram broadly illustrating the invention, Figure 3 shows a flow diagram of particular embodiments, and Figure 4 is a flow chart showing a particular manner of producing a data set (i.e., block 35 in Figure 2). Thus, in a sense, Figure 2 is generic, Figure 3 is a species, and Figure 4 is somewhat of a sub-species. Thus, the requirement for election is improper.

However, since the claims must be categorized, applicant submits that the claims may be categorized as follows:

All of the claims 1-110 are readable on Figure 2.

If a criteria is used to determine whether (a) or (b) in each of the independent claims is to be carried out (see step 140 in Figure 3), then all of the claims are readable on Figure 3.

Claims 4, 25, 51, 84, 97 and 107 are readable on Figure 4.

Applicant elects to prosecute on their merits those claims which are readable on the species of Figure 2, namely, claims 1-110.

Applicant reserves his right to file a divisional application directed to those claims in the instant application which are eventually not examined on their merits.

Respectfully submitted,

By: 
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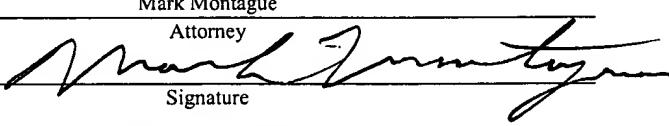
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